IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1811 OF 2005

Nandalal L. Matherja & ors. .. .. Petitioners
v/s.
The State of Maharashtra & ors. .. Respondents

Mr.A.Y.Sakhare i/by Mr.N.K.Madnany for petitioners.

Mr.Vishal Phal, AGP for res.No.1.

Ms.P.A.Purandare for res.Nos.2 & 3.

Mr.Subramaniam i/by Purnanand & Co. for res.No.4.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 10th January 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioners' grievance in the present Petition is that according to them their property concerned in this Writ Petition is land-locked and that the Municipal Corporation should be directed to provide an appropriate access through the property of respondent No.4. Respondent No.4 and the petitioners appear to have purchased their parcel of land from the original landlord i.e. respondent No.6. Mr.Subramaniam appearing for respondent No.4 very much denies that the property of the petitioners is in any way land-locked and

relies upon relevant maps and documents and submits that otherwise the petitioners would not have been able to carry out their quarrying activity in their plot all these years with the help of their vehicles going in and out.

3. That apart, as far as the rights of the petitioners vis-a-vis the adjoining property of respondent No.4 are concerned, the proper remedy for the petitioners would be to file a Suit and to get their right established on the basis that either the property is land-locked or that there is any such right available from the conveyance entered into with the previous owner of the property. Writ Petition will not be a correct remedy and it will not be appropriate to direct the Municipal Corporation to provide any such access through the property of the third party.

4. Petition is, therefore, rejected in view of the disputed facts involved.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)